IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12644 of 1998

Between:

Sri Venkateswara Ginning Mill, Rep by its Proprietor Gade Manohar Rao, S/o Nanaiah, R/o Wankidi Village and Mandal, Adilabad District.

..... PETITIONER

AND

1 The Superintending Engineer, A.P State Electricity Board, Adilabad District.
2 The Divisional Engineer, A.P State Electricity Board, Kagaznagar, Adilabad District.
3 The Asst. Engineer, A.P State Electricity Board, Asifabad , Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more in the nature of Mandamus directing the respondents herein not to disconnect the electricity supply to the petitioner Mill on the ground that Sri Srinivasa Ginning Mill fell due of electricity consumption charges to the Electricity Board by duly declaring the action of the respondents in taking steps to disconnect the electricity service connection bearing N.110 of the petitioner concern on the ground that Sri Srinivasa Ginning Mill kerameri committed default in payment of Electricity supply charges in which one of the sons of petitioner is a partner is nothing but illegal, arbitrary, wihtout any authority under the law and also contrary to the A.P. Electricty Board (conditions of supply).

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO, Advocate

Counsel for the Respondents: SMT.M.VINOBHA DEVI, SC FOR APSEB

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

This writ petition is filed seeking a direction to the respondents not to disconnect electricity supply to the petitioner mill on the ground that Sri Srinivasa Ginning Mill, Kerameri committed default in payment of electricity consumption charges to the Electricity Board.

The grievance of the petitioner is that though their mill viz., Sri Venkateswara Ginning Mill, Wankidi is not due any amount to the Electricity Board, the authorities of the respondents threatened to disconnect their electricity service connection bearing No.110, on the ground that Sri Srinivasa Ginning Mill, which has nothing to do with the petitioner-mill, fell due electricity consumption charges to the Electricity Board, which is illegal and arbitrary.

Though this court granted interim orders directing the respondents not to disconnect the electricity supply to the petitioner pending further orders, and though the writ petition was admitted on 15-4-1999, no counter-affidavit has been filed on behalf of the respondents. When the matter came up today, the learned Standing Counsel appearing for the respondents submitted that in spite of her request, the respondents have not sent para-wise remarks in the matter.

It is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for respondents that the subject matter of this writ petition is squarely covered by a Division Bench judgment of this court in **Dhan Industries v. Superintending Engineer**, wherein it was held thus:

> "The condition No.42.3 clearly contemplates service connections belonging to the same consumer and under Clause (d) it provides that other service

connections of a consumer may be disconnected if that consumer committed default in the payment of the dues of any one of his service conditions. In the present case, admittedly the consumers were different. In the circumstances, therefore, the action of the respondents in trying to recover the dues relating to the service connection of a private company from the petitioner-concern was high-handed and unwarranted and unsupported by any of the terms and conditions of service."

Recording the above submission of the learned counsel for the petitioner and following the above judgment of the Division Bench of this court, this writ petition is also allowed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 21-4-2005

Svv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Thursday, the Twenty First day of April, Two thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Superintending Engineer, A.P State Electricity Board, Adilabad District.
2 The Divisional Engineer, A.P State Electricity Board, Kagaznagar, Adilabad District.
3 The Asst. Engineer, A.P State Electricity Board, Asifabad , Adilabad District.

4 Two CD copies

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